

REMARKS

This submission is in response to the Office Action dated April 17, 2003. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 1 and 7 have been amended. Claims 8-11 have been added. Claims 1-11 are currently pending and at issue.

35 U.S.C. 102

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,520,654 to Wahlberg.

Wahlberg discloses a catheter device having a sheath 4 and an attachment 16 that has two wings 22 connected thereto by web portions 24 with the wings 22 being external to the sheath 4. The device includes a sealing means 30 which is supported by a needle 18 and the attachment 16. The means 30 include lugs 43 and the device has a slot 10 having a region 14 of reduced slot width. To displace the needle 18 from a catheter 26, a pushing force is applied to the wings 22 and initially, the region of reduced slots width must be passed, thereby requiring increased pushing force. Once this region 14 has been passed, the attachment 16 slides without any major force exertion. When the attachment 16 approaches the final penetrating position, lugs 43 on the sealing means 30 slide into a reduced diameter region 12 and into a recess 13. To retract the needle 18, the process is

reversed.

Claim 1 has been amended and recites a safety indwelling needle. As amended, the needle includes an urging means in the form of a biasing force to the actuator with the inner needle retraction actuating portion being projected outward of the holder sleeve through the slit. The inner needle retraction actuating portion has an actuating portion and the retracting mechanism has an actuating portion housing for enclosing the inner needle retraction actuating portion after retraction of the inner needle. No new matter has been added by way of this amendment as the specification provides support for the amendments. For example, the specification at page 20, lines 1-2; page 24, lines 6-10; and page 21, lines 18-25 provide antecedent support for the amendments.

Applicants respectfully submit that the above added features are neither disclosed nor suggested by the Wahlberg reference. Assuming *arguendo* that the Examiner equates the recited actuator housing recited in claim 1 with the holder sleeve (sheath 4) of Wahlberg, the claimed relationship is still not present in the cited reference. More specifically, amended claim 1 recites a device in which the actuator housing encloses the actuating portion (6a) of the actuator (6) projected outward of the holder sleeve (1) through the slit (2) after retraction of the inner needle (12). In contrast to the claimed arrangement, Wahlberg discloses a sheath (4) that does not enclose the wings (22) projected outward of the sheath (4) through the slots (10) after retraction of the inner needle (18).

Applicants respectfully submit that the rejection of claim 1 based on Wahlberg should be withdrawn on the basis that Wahlberg fails to disclose at least one feature, namely the claimed "urging means" and "an actuating portion housing". Since these elements are neither disclosed nor even suggested, reconsideration and allowance of the claims are in order.

Claims 2-6 should be allowed as depending from what should be an allowed independent claim 1, as amended.

Claim 7 has been amended in a similar manner as claim 1 and therefore, claim 7 should be allowed for the same reasons as to why claim 1 should be allowed. Reconsideration and allowance of claim 7 are in order.

Claims 1-7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Haindl. As a basis for rejecting the claims, the Examiner is looking at the embodiment shown in Figs. 10-14. More specifically, a cannula system provided and includes a slider 6 (actuator) which holds the cannula 3. The slider 6 has locking blades 26 that have protrusions 28 that enter clearances 29 and beveled portions 30 at ends facing a disengaging element 22. A spring 31 is mounted between the end of the housing and the slider 6 and acts to bias the slider 6 when it is advanced, In the extended position, the protrusions 28 engage the clearances 29. The disengaging element 22 is formed of disengaging blades 24, 25 that also have bevels 33 that seat and interlock with bevels 30. To disengage the slider 6, the disengagement element 22 contacts the skin causing the

disengaging blades 24, 25 to disengage from below the bevels 33 of the locking blades 26 to lift them and thereby move them out of the clearances 29. This results in the slider 6 being disengaged and the spring biases the slider 6 and returns it to a retracted position.

As previously mentioned, claims 1 and 7 have been amended to recite a safety indwelling needle in which there is an actuating portion housing for enclosing the inner needle retraction actuation portion projected outward of the holder sleeve through the slit after retraction of the inner needle. Applicants respectfully submit that this feature is neither disclosed nor suggested by the Haindl reference.

In addition, there is no slit formed in the Haindl reference for assuring a movement path of the actuator (slider 6). This yet another feature present in the claims that is neither disclosed nor suggested by the cited reference.

In sum, because Haindl does not disclose at least a "slit" and "an actuating portion housing", Haindl cannot anticipate the subject matter of claims 1 and 7.

Claims 8 and 9 have been added by the present amendment. Each of these claims recites that the puncture position retainer is projected outward of the holder sleeve through the slit and the puncture position engagement portion is engaged with an engagement window provided on an outer surface of the holder sleeve. No new matter has been introduced since the amendments are supported by the present specification, e.g., at page 20, lines 1-6, page 24, lines 6-10 and Figs. 4 and 5. In Wahlberg, each wing 22 travels within a slot 10, while the present device includes the claimed engagement

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window that is formed for releasably interlocking with a projection (6b) of the actuator. In addition, the Haindl reference likewise does not disclose this feature.

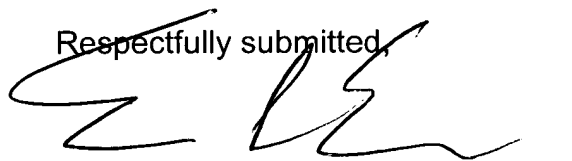
Applicants respectfully submit that claims 8 and 9 should be allowed as depending from what should be an allowed independent claim and also the features disclosed in these claims are neither disclosed nor suggested by the cited references.

Moreover, Haindl neither discloses nor suggests the "biasing element" recited in new claims 10 and 11, which should be allowed for this reason and because they depend from what should be allowed independent claims 1 and 7.

At this time allowance of claims 1-11 is earnestly solicited.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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